

REASONS FOR ALLOWANCE

The response filed 4/09/10 to the Office action has been entered. Claims 21-34 and 42-44 are pending.

1. The following is an examiner's statement of reasons for allowance:

Concerning claims 21-34, and 42-44, no prior art has been found teaching or suggesting a method of determining a nucleic acid sequence in which a cleaved tag from an extension product or a single extension product is not bound to at least one complementary nucleotide and the extension product includes at least one complementary nucleotide hybridized to a template nucleic acid sequence or not separated from a single stranded template nucleic acid.

The closest prior art is the reference of Schmidt et al. (WO 99/02728, issued January 21, 1999). Schmidt et al. disclose that in one arrangement, a series of DNA fragments is provided by contacting a template in the presence of DNA polymerase with a mixture of nucleotides sufficient for hybridizing to the template for forming a second strand of DNA complementary to the template. The mass label corresponds to a modified nucleotide so that the nucleotide present in the target template may be deduced (See pg. Paragraph 4). The cleavage is done by photolysis or chemical cleavage (see pg. 12, paragraph 2, pg. 13, paragraph 2, pg. 46, and paragraph 4). The cleavable tag is a 3' cleavable tag (see pg. 46, paragraph 5, fig. 4a and fig. 13) in which the cleavable tag is attached to the 3' end. However, Schmidt et al. do not disclose after cleaving the 3' cleavable tag from an extension product or a single extension product, the extension product includes at least one complementary nucleotide hybridized to a template nucleic acid sequence or not separated from a single stranded template nucleic acid.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joyce Tung whose telephone number is (571) 272-0790. The examiner can normally be reached on Monday - Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 571 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth R Horlick/
Primary Examiner, Art Unit 1637

/Joyce Tung/
Examiner, Art Unit 1637
May 15, 2010